ble. After the lapse of a reasonable time for the taking of testimony, either party may obtain a rule on the adverse party to close the taking of his testimony within such reasonable time after notice of such rule as may be deemed proper; and any testimony taken after the lapse of that time shall not be read in evidence at the hearing of the cause. But it shall be in the discretion of the court to enlarge the time, on application of the party against whom such rule may have been obtained, upon sufficient cause shown.

See notes to sec. 259.

1904, art. 16, sec. 241. 1888, art. 16, sec. 223. Rule 43.

259. Evidence taken and returned shall be opened by the clerk, and shall remain in court ten days, subject to exception, before the cause shall be taken up for hearing, unless, by agreement of the parties, such time be waived; but after the expiration of that time the cause shall stand for hearing, unless some sufficient cause be shown to the contrary. This section not to apply to interlocutory applications.

An exception should be noted at the time testimony is taken to the evidence deemed inadmissable; no reason need be stated unless the objection is to the question as leading. While the testimony is lying in court under this section, written exceptions to such inadmissable evidence should be filed, clearly indicating the testimony excepted to, and the ground on which the exception is based. Gerting *v.* Wells, 103 Md. 638; Freeny *v.* Freeny, 80 Md. 409.

The fact that testimony has not lain in court for ten days, is waived by consenting to a hearing; such objection should be made when the case is taken up. Clark *v.* Callahan, 105 Md. 610.

This section does not apply to interlocutory applications, where no evidence has been taken, and a party is in default. Moody *v.* Moorman, 107 Md. 243.

This section has no application where after a regular hearing, the case is remanded to an examiner solely for the purpose of enabling the plaintiffs to offer additional proof of their claims. Chatterton *v.* Mason, 86 Md. 244.

Ibid. sec. 242. 1888, art. 16, sec. 224. Rule 44.

260. The examination of witnesses *de bene esse* or for the perpetuation of their testimony, when by law allowed, may be had before an examiner, in the mode and form as prescribed in sections 254, 255, 256 and 257; and if no good objection be made to such testimony in twelve months from the time of the return to court thereof, the court shall order the same to be recorded in perpetual memory.

As to testimony *de bene esse* at law, see art. 35, sec. 21, *et seq.*

Ibid. sec. 243. 1888, art. 16, sec. 225. Rule 45. 1890, ch. 86. 1896, ch. 35

261. The court shall, on application of a party in interest, or may, of its own motion, order, that instead of the mode of taking testimony as provided in the foregoing sections, the witnesses, or any of them, shall be examined orally in open court in the presence of the judge or judges thereof, as to all or any of the facts or matters relevant in the cause or proceeding, and the evidence so taken shall be written down as delivered by the witnesses by such person, and in such manner as the court may have by special order or general rule directed, and when so written down shall, with such documentary proof as shall have been with it offered and admitted, be filed as part of the proceedings, to be